

REMARKS

Claims 1-56 are pending in the Office Action and have been rejected. Claims 1, 11, 15, 21, 30, 34, 35, 44, 48, and 51-56 are independent claims. Claims 2-10, 12-14, 16-20, 22-29, 31-33, 36-43, 45-47, 49, and 50 are dependent claims.

Claims 1-56 have been rejected. Amendments to claims 1, 11, 15, 21, 30, 34, 35, 44, 48, and 51-56 are presented herein. No new matter is being presented, and approval and entry are respectfully requested.

Entry of Amendment Under 37 C.F.R. §1.116

Applicant requests entry of this Rule 116 Response because it is believed that the amendment of claims 1, 11, 15, 21, 30, 34, 35, 44, 48, and 51-56 puts this application into condition for allowance. The amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Rejections Under 35 U.S.C. § 101

In numbered paragraph 9 on pages 3-5 of the Office Action, the Examiner rejected claims 11-14, 15-20, and 52 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Applicant submits that the claims, as amended, meet the requirements of 35 U.S.C. § 101. Accordingly, Applicant respectfully requests withdrawal of the rejection to the claims under § 101.

Rejections Under 35 U.S.C. § 102

In numbered paragraphs 10-31 on pages 5-12 of the Office Action, the Examiner rejected claims 1-56 under 35 U.S.C. § 102(a) as being anticipated by Legall et al. (WO 98/43183). Applicant respectfully traverses these rejections for the reasons presented below.

Claim 1 recites, as amended, "said control unit searches locating information for locating where data exists, and judges whether or not the data located by the locating information comes under a predetermined category based on a file identifier in a data file including the data ..."

In claim 1, "locating information" refers to URLs, "data" refers to the content indicated by a URL, and "category" refers to the items listed under "Data Category" in FIG. 7 of the subject application. The previous version of claim 1 recited "... based on a character string included in a data file ..." In the previous version of claim 1, "character string" referred to the items listed under "Extension" in FIG. 7.

The Examiner asserted on page 15 of the Office Action that the "character string," as recited in the previous version of claim 1, corresponds to a user query using keywords. Claim 1 has been amended to clarify that "character string" refers to file identifiers. Thus, Legall does not disclose judging "whether or not the data located by the locating information comes under a predetermined category based on a file identifier in a data file including the data," as recited in amended claim 1.

Thus, it is submitted that claim 1 patentably distinguishes over the Legall reference. Similar to claim 1, independent claims 11, 15, 21, 30, 34, 35, 44, and 48 recite "based on a file identifier in a data file." Also similar to claim 1, independent claims 51-56 recite "based on a file extension included in a file name." Thus, for at least the reasons presented above with respect to claim 1, it is submitted that independent claims 11, 15, 21, 30, 34, 35, 44, 48, and 51-56 patentably distinguish over the prior art.

The dependent claims depend respectively from the above-discussed independent claims 1, 11, 15, 21, 30, 35, and 44 and are patentable over the prior art for at least the reasons discussed above.

Therefore, Applicant submits that claims 1-56 patentably distinguish over the prior art. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under § 102.

Conclusion

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding rejections, the application is submitted to be in condition for allowance, which action is earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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